

FOURTH APPELLATE DISTRICT
DIVISION ONE
SEPTEMBER 27, 2004

D045088 James A. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

Petitioner's Notice of Intent, filed September 17, 2004, is untimely. The case is therefore dismissed.

D042139 Dinh et al. v. Tran

Order affirmed. Tran to pay the Dinhs' costs incurred on appeal. Haller, J.; We Concur: Huffman, Acting P.J., Aaron, J.

D042596 Needham v. General Motors Corporation

For the forgoing reasons, the judgment entered pursuant to the order granting judgment notwithstanding the verdict is reversed, the jury's verdict is reinstated, and the matter is remanded for trial on the issue of whether Needham is entitled to recover a civil penalty under Civil Code section 1794, subdivision (c). Appellant Needham is awarded costs on appeal. Irion, J.; We Concur: McConnell, P.J., McIntyre, J.

D042879 People v. Gonzales

The judgment is affirmed. McDonald, J.; We Concur: McConnell, P.J.; Aaron, J.

D042521 Harcourt et al. v. Davi et al.

The summary judgment orders and related subsidiary orders are affirmed. Huffman, Acting P.J.; We Concur: McIntyre, J., Aaron, J.

D044060 In re Anna B., a Juvenile

The judgment is affirmed. McConnell, P.J.; We Concur: McDonald, J., O'Rourke, J.

FOURTH APPELLATE DISTRICT
DIVISION ONE
SEPTEMBER 28, 2004

D044679 Celia D. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The petition is denied. Nares, Acting P.J.; We Concur: McIntyre, J., Irion, J.

D041619 People v. Bernal

The judgment is affirmed. Haller, J.; We Concur: McConnell, P.J., McDonald, J.

D043390 In re Nicholas W., a Juvenile

The judgment is affirmed. Irion, J.; We Concur: Nares, Acting P.J., McIntyre, J.

D044352 In re C.L., a Juvenile

The order is affirmed. Huffman, J.; We Concur: Benke, Acting P.J., McIntyre, J.

D044532 In re Klarissa R., a Juvenile

The appeal is dismissed. Aaron, J.; We Concur: Huffman, Acting P.J., Nares, J.

D043309 People v. Vargas

The judgment is affirmed. Huffman, J.; We Concur: McConnell, P.J., Haller, J.

D043708 In re Nicholas D., a Juvenile

Appeal dismissed. Nares, Acting P.J.; We Concur: Haller, J., McIntyre, J.

D044507 In re Malia W., a Juvenile

The appeal is dismissed. O'Rourke, J.; We Concur: McConnell, P.J., Irion, J.

D042588 People v. Navarrete

D042986 People v. Navarrete

(Consolidated case) The judgment is affirmed. Aaron, J.; We Concur: McConnell, P.J., McIntyre, J.

D044980 Iroanusi v. Breitbard Properties, LLC. et al.

The appellant having failed to timely pay the filing fee, the appeal is dismissed. (Cal. Rules of Court, rule 1(c)(5)).

D045030 In re Wooten on Habeas Corpus

The petition is denied.

D045100 Clay v. The Superior Court of San Diego County/The People

The petition is denied.

D045044 Law Offices of Jeffrey R. Frank v. Superior Court of San Diego County/Resendez

The petition is denied.

D044157 County of San Diego v. May

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 17(a).
The appeal is dismissed.

FOURTH APPELLATE DISTRICT
DIVISION ONE
SEPTEMBER 28, 2004 (Continued)

D044078 Stephen C., a Minor etc. v. James C. et al

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 17(a).
The appeal is dismissed.

D043658 In re the Marriage of Ravet

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 17(a).
The appeal is dismissed.

FOURTH APPELLATE DISTRICT
DIVISION ONE
SEPTEMBER 29, 2004

D043470 People v. Perez

The judgment is affirmed. Huffman, J.; We Concur: McConnell, P.J., McDonald, J.

D044452 In re Jacob T., a Juvenile

The judgment is affirmed. O'Rourke, J.; We Concur: Haller, Acting P.J., McDonald, J.

D044478 In re Peter S. et al., Juveniles

The appeal is dismissed. Benke, J.; We Concur: McConnell, P.J., McIntyre, J.

**D044147 People of the State of California v. Superior Court of San Diego County/Cole
National Corporation et al.**

Let a peremptory writ of mandate issue compelling respondent court to set aside its orders of April 2 and April 12, 2004, to the extent that they overruled the People's objections on the grounds of privilege to the discovery propounded by Cole and that they compelled production from nonparty state agencies. The court is to make a new and different order directing the People to (1) serve further responses to the production requests which include a particularized identification of all documents to which any privilege is asserted and the facts justifying assertion of the privileges, or (2) serve a further privilege log including the same information. The court is further ordered to conduct a hearing on the People's request that a protective order be entered into with respect to documents produced in the NAOO case that were subject to a protective order in that case. The temporary stay order is to remain in effect pending finality of this opinion. Petitioner is to recover its costs in this proceeding. (Cal. Rules of Court, rule 56.4.)

CERTIFIED FOR PUBLICATION Nares, J.; We Concur: Huffman, Acting P.J., Aaron, J.

**D045132 Derek D.v. Superior Court of San Diego/San Diego County Health and Human
Services Agency**

The Notice of Appeal of petitioner Derek D. is untimely. The case is dismissed.

D045127 Coronado Little League et al. v. Superior Court of San Diego County/Carrasco

The petition is denied.

FOURTH APPELLATE DISTRICT
DIVISION ONE
SEPTEMBER 30, 2004

D044932 Allan et al. v. Superior Court of San Diego County/Zenith Insurance Company
The petition is denied.

D045011 Bell Helicopter Textron Inc. v. Superior Court of San Diego County/Treadwell et al.
The petition is denied.

D043149 Courtney et al. v. Lister
The judgment is reversed, and the matter is remanded with directions to enter a judgment of dismissal with prejudice in favor of Lister, who shall recover his costs on appeal. Nares, J.; We Concur: McConnell, P.J., McIntyre, J.

D044169 In re X. V., a Juvenile
The judgment terminating Anthony's and Nancy's parental rights to X. V. is reversed. This matter is remanded to the juvenile court with instructions to direct the Agency to provide the appropriate ICWA notice to the BIA and any appropriate tribes of the proceedings. If, after receiving notice, no tribe intervenes, the juvenile court shall reinstate its judgment. (*Dwyane P. v. Superior Court, supra*, 103 Cal.App.4th at p. 261.) The remittitur is to issue forthwith. (Cal.Rules of Court, rule 26(c)(1)). McDonald, Acting P.J.; We Concur: Aaron, J., Irion, J.

D042021 People v. Bacon
The order is affirmed. O'Rourke, J.; We Concur: McConnell, P.J., McIntyre, J.

D043705 In re Aryon L., a Juvenile
The judgment is affirmed. Nares, Acting P.J.; We Concur: Haller, J., McDonald, J.

D044708 Said S. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency
The petition is denied. Irion, J.; We Concur: Nares, Acting P.J., McDonald, J.

D042043 In re Marriage of Colton
The judgment is affirmed. Colton to pay Vance's costs on appeal. Haller, J.; We Concur: Benke, Acting P.J., Aaron, J.

D042805 People v. Rush
Petition for rehearing is denied.

D042457 People v. Norman
The judgment is affirmed. McIntyre, J.; We Concur: McConnell, P.J., Irion, J.

D043857 Bashkin v. Glickman et al
Paul Bashkin is declared a vexatious litigant. He is required to furnish security of \$35,000 within 20 days of the filing of this order before proceeding with his appeal.

D045028 In re Gerald Williams on Habeas Corpus
The petition denied.

FOURTH APPELLATE DISTRICT
DIVISION ONE
SEPTEMBER 30, 2004 (Continued)

D045138 BCP/Fox Hollow LLC et al. v. Alpha III Inc., et al.
The petition is denied.

FOURTH APPELLATE DISTRICT
DIVISION ONE
OCTOBER 1, 2004

D042215 People v. Ochoa

The parties' petitions for rehearing and Attorney Roger Diamond's request to depublish the opinion in this case are denied. The opinion filed on September 2, 2004, is modified (there is no change in judgment).

D044762 People v. Jones

Appellant's unopposed motion to vacate the order of dismissal is granted. The order of dismissal dated August 3, 2004, is vacated and the appeal is reinstated.

D042476 Alfaro v. State of California

The judgment is affirmed. Respondent is awarded costs on appeal. McIntyre, J.; We Concur: McConnell, P.J., Irion, J.

D043704 In re N.D., a Juvenile

The orders are affirmed. McIntyre, J.; We Concur: McConnell, P.J., O'Rourke, J.

D042795 People v. Lawrence

The judgment is affirmed. McIntyre, J.; We Concur: McConnell, P.J., Nares, J.

D043349 People v. Kowalik

The judgment is affirmed. Huffman, Acting P.J.; We Concur: Haller, J., O'Rourke, J.